

HCS HB 597 -- PRIVATE LANDOWNER PROTECTION ACT

SPONSOR: Ruzicka (Pollock)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism and Natural Resources by a vote of 17 to 0.

This substitute establishes the Private Landowner Protection Act which allows for the creation and enforcement of conservation easements designed to protect the environment and preserve certain historical or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements; and a court may modify or terminate an easement based on the principles of law and equity. An existing real property interest is not impaired by an easement unless the owner is a party to the conservation easement or consents to it. A conservation easement will be valid in a number of situations that are specified in the substitute which are not recognized by common law. Retroactive application is mandated to the extent allowed by state and federal law but cannot place any additional burden or obligation on any grantor or grantee, or their successors, of a conservation easement.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill clarifies the laws regarding conservation easements. Currently, a landowner has no input into how an easement is used. The bill requires the landowner and the grantee of the easement to enter into a contract. If a landowner wishes to use the land for conservation purposes, the bill gives the owner another tool to protect his or her land and to ensure that the land is meeting the owner's goals.

Testifying for the bill were Representative Pollock; Walter Iman; Lois Wyman; Doug Ladd, The Nature Conservancy; Mark Flaspohler, Ducks Unlimited; Carol David, Missouri Prairie Foundation; and Melissa Hope, Missouri Parks Association.

OPPOSERS: Those who oppose the bill say that the language in the bill is too broad in regard to third-party enforcement and the application of the laws retroactively. There needs to be protections for those entering into a conservation easement and the language of the bill is too vague.

Testifying against the bill was Missouri Farm Bureau.